

**UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

In re:

Robert A. Najarian,
Debtor.

Case No. 11-14684-JNF
Chapter 7

**Notice Of Intended Private Sale Of Estate Property, Deadline For
Submitting Objections And Higher Offers, And Hearing Date**

March 31, 2016

IS THE DATE OF THE PROPOSED SALE HEARING

March 30, 2016

**IS THE DATE BY WHICH OBJECTIONS OR
COUNTEROFFERS MUST BE MADE**

Notice is hereby given, pursuant to 11 U.S.C. §§ 105(a) and 363, Fed. R. Bankr. P. 2002(a)(2) and 6004, and MLBR 2002-5 and 6004-1, that Warren E. Agin, the duly appointed chapter 7 trustee (the “Trustee”) of the bankruptcy estate of the above named debtor (the “Debtor”), intends to sell at private sale the Debtor’s right, title and interest in certain property of the estate.

Property to be Sold:

Real estate known as 110 Riverview Lane, Centerville, Massachusetts, as more specifically described in a certain deed from Robert A. Najarian, Trustee of Najarian Realty Trust to Robert A. Najarian recorded with the Barnstable County Registry of Deeds at Book 19936, Page 242 (the “Property”).

The Offer:

The Trustee has received an offer to purchase the estate’s interest in the Property for the sum of \$310,000.00 (the “Purchase Price”).

The Proposed Buyer:

The proposed buyer is Kirill Jacobson and Irina Jacobson (the “Proposed Buyer”) with a last-known address of 11 Eaton Street, Winchester MA 01890, Massachusetts.

The Sale Date:

The sale shall take place at the Barnstable County Registry of Deeds on or before April 13, 2106. The Proposed Buyer has delivered to the Trustee a deposit of \$10,000.00, which the Trustee is holding in escrow. The terms of the proposed sale are more particularly described in a ***Motion of Chapter 7 Trustee For Authority To Sell Estate Property, Real Estate Located at 110 Riverview Lane, Centerville, Massachusetts, at Private Sale Pursuant To 11 U.S.C. § 363*** (the “Motion to Approve Sale”) filed with the Court on or about March 2, 2016 and a written purchase and sale agreement dated February 22, 2016. The Motion to Approve Sale and the purchase and sale agreement are available at no charge upon request from the undersigned.

Sale Free and Clear of Liens:

The Property will be sold subject to easements of record, but free and clear of all other liens, claims encumbrances and interests pursuant to 11 U.S.C. § 363(f), including but not limited to the senior mortgage held by Wells Fargo Bank, N.A, as Trustee for the holders of SARM 2005-17 Trust Fund, the junior mortgage to PNC Bank f/k/a National City Bank which was stripped by order of this Court, all municipal liens or betterments of the Town of Barnstable, and any Federal tax liens. Any perfected, enforceable valid liens shall attach to the proceeds of the sale according to priorities established under applicable law.

Counteroffers or Objections:

Any objections to the sale, higher offers, or requests for hearing on the matter, shall

be filed in writing with the Clerk, United States Bankruptcy Court at 5 Post Office Square, Suite 1150, Boston, MA 02109 on or before March 30, 2016 at 4:30 AM~~X~~ PM (the “Objection Deadline”). A copy of any objection or higher offer also shall be served upon the undersigned. Any objection to the sale must state with particularity the grounds for the objection and why the intended sale should not be authorized. Any objection to the sale shall be governed by Fed. R. Bankr. P. 9014.

Through this Notice, higher offers for the Property are hereby solicited. Any higher offer must be at least \$315,000.00. Higher offers must be filed with the Court, and a copy, accompanied by a deposit of \$10,000.00 in the form of a certified or bank check made payable to Warren E. Agin, chapter 7 trustee, served on the Trustee by delivery to his counsel to the address at the end of this notice. Higher offers must be on similar terms and conditions provided in the Motion to Approve Sale and the purchase and sale agreement, other than the Purchase Price, with any material variations expressly disclosed.

Hearing:

A hearing on the Motion to Approve Sale, objections or higher offers is scheduled to take place on 3/31/2016 at 10:30 AM~~X~~ before the Honorable Judge Feeney, United States Bankruptcy Judge, 5 Post Office Square, Suite 1150, Boston, MA 02109. Any party who has filed an objection or higher offer is expected to be present at the hearing, failing which the objection will be overruled or higher offer stricken. If a higher offer is filed with the Court prior to the deadline stated above, the Court may, in its discretion at the hearing on the Motion to Approve Sale, conduct one or more rounds of sealed or open bidding. The Court may take evidence at any hearing on approval of the sale to resolve issues of fact. If no objection to the Motion to Approve Sale or higher offer is timely filed, the Court, in its discretion, may cancel the scheduled hearing and approve the sale without hearing.

At the hearing on the sale, the Court may (i) consider any requests to strike a higher offer; (ii) determine further terms and conditions of the sale; (iii) determine the requirements for further competitive bidding; and (iv) require one or more rounds of sealed or open bids from the original offeror and any other qualifying offeror.

Deposit:

The deposit will be forfeited to the estate if the successful purchaser fails to complete the sale by the date ordered by the Court. If the sale is not completed by the buyer approved by the Court, the Court, without further hearing, may approve the sale of the Property to the next highest bidder.

Any questions concerning the intended sale shall be addressed to the undersigned.

Dated: March 2, 2016.

Warren E. Agin, as Trustee,
By his Attorney,

/s/ Daniel Kostrzewa
Daniel Kostrzewa (BBO 691691)
Swiggart & Agin, LLC
197 Portland Street, Fourth Floor
Boston, MA 02114
(617) 742-0110 x 204
dpk@swiggartagin.com